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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,357	12/19/2001	Yoshio Iwasaki	SEK-0200	7843

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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,357

Applicant(s)

IWASAKI, YOSHIO

Examiner

Lynda M Salvatore

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/22/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed October 22nd, 2003 have been fully considered and entered. Claims 1-5 have been amended and new claims 6-12 have been added as requested. Applicant's amendments to claims 1-5 have been found sufficient to overcome the 35 U.S.C. 103(a) rejections as being unpatentable over Nobuyuki, JP 10-272860. As such, this rejection is hereby withdrawn. However, in view of Applicant's amendments and an updated art search, Applicant's amendments are not found patentably distinguishable over the prior. Accordingly, a new ground of rejection is set forth herein below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Multiple dependent claims 3 and 4 recites the limitation "the supporting layer" in lines 2 and 1 respectively. There is insufficient antecedent basis for this limitation in claim 2 from which these claims depend. Claim 1 recites the limitation of a supporting layer, not claim 2.

4. Claim 7 contains the trademark/ trade name KuraronTM. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used to properly identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or

Art Unit: 1771

trade name. In the present case, the trademark or trade name is used to identify/describe the vinylon fiber and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomono et al., US 5,478,637 in view of Nobuyuki, JP 10-272860.

The patent issued to Tomono et al., teaches a printing blanket comprising a surface layer laminated to a support layer comprising a plurality of supporting layers which include a compressive layer (Column 1, 10-20 and Figure 5). Tomono et al., also teaches that the plurality of supporting layers includes an impregnated woven reinforcing layer, which is laminated with a rubber such as acrylonitrile-butadiene rubber (i.e., elastic) material to the underside of the surface layer and a plurality of supporting woven base layers (Figure 5, Column 55-65 and Column 1, 10-20). With regard to claims 2 and 5, the Examiner considers the support layer comprising the plurality of supporting layers analogous to the recited reinforcing layer. In this instance, the orientation limitation of a reinforcing layer having a plurality of woven fabrics laminated to in face-to-face contact with surface layer is met with composite shown in Figure 5 of Tomono et al. As indicated, Tomono et al., teaches that supporting layer (12) includes a reinforcing layer, a compression layer and a plurality of woven supporting base layers, which is laminated in face-to-face contact with the surface layer. With regard to claim 3, the woven reinforcing layer (15) within the support layer is positioned between the surface layer and the compression layer. Thus claim 3 is rejected. With regard to claim 4, Tomono et al., teaches that

Art Unit: 1771

the woven reinforcing layer (15) as the uppermost fabric of the supporting layer composite (Column 1, 10-20 and Figure 5).

Tomono et al., fails to teach the use of vinylon to form the woven fabrics, however, the patent issued to published Japanese patent application teaches a sheet-like blanket for printing (Title). The blanket comprises a surface elastic layer, an elastic layer having dispersed vinylon staple fibers, a reinforcement layer, a compressive layer, and a base material (Abstract, Figure 1 and Section 0010). Though, Nobuyuki does not teach a woven elastic layer comprising vinylon fibers as claimed by the Applicant, Nobuyuki does teach the use of a layer comprising vinylon fibers in the same orientation of the Applicant. Additionally, Nobuyuki further teaches that the use of vinylon is especially desirable when thermal resistance, chemical resistance, intensity, flexibility, and adhesive property with rubber are taken into consideration.

Therefore, motivated by the properties provided by vinylon, it would have been obvious to one having ordinary skill in the art at the time the invention was made to weave the woven fabrics of Tomono et al., with vinylon fibers

With regard to the wet solvent cooling gel spinning method limitation recited, it is the position of the Examiner that such a method limitation is not shown to materially impact the final product structure. In other words, the method of producing vinylon yarns is not germane to the printing blanket composite. Accordingly, said spinning method limitation is not given patentable weight at this time. The burden is shifted to the Applicant evidence otherwise.

With regard to the limitations pertaining to the vinylon yarn, namely the breaking strength and adhesive strength as recited in claims 6, and 8-11, it reasonable to presume that said

Art Unit: 1771

limitations are inherent properties to vinylon. The burden of proof is shifted to the Applicant to evidence otherwise.

Art Unit: 1771

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.

January 13, 2004

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TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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